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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,323	12/07/2001	Hyoung Yoon Kim	P-0304	4253

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FLESHNER & KIM, LLP  
P.O. BOX 221200  
CHANTILLY, VA 20153

EXAMINER
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SAMS, MATTHEW C

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/005,323

Applicant(s)

KIM, HYOUNG YOON

Examiner

Matthew C. Sams

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/7/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The disclosure is objected to because of the following informalities: Page 2 Paragraph [0030] "Mobile Station Modem (NSM) (not shown)", [0035] "MSM (not shown)" and "MSN 25".

The reference sign "25" is not shown in the drawings. "MSM" and "MSN 25" are not defined in the specification. Please amend the specification such that the abbreviations clearly show what the abbreviations represent. Appropriate correction is required.

3. The use of the trademark Bluetooth has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Henderson (US-6,647,109).

Regarding claim 1, Henderson teaches a personal computer (Fig. 2 [205]) with access to an Internet phone service through an Internet network. (Col. 2 lines 39-51) Henderson teaches a mobile communication terminal that functions as a wireless headset (Fig. 2 [215]) using the Bluetooth protocol, when the personal computer (Fig. 2 [205]) is accessing the Internet phone service. (Col. 5 lines 25-28)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson and Eghtesadi et al. (US-5,982,904 hereinafter, Eghtesadi).

Regarding claim 2, Henderson teaches a headset (Fig. 2 [215]) connected to a personal computer using Bluetooth (Fig. 2 [205] and Col. 5 lines 25-28), which obviously includes a Bluetooth card for receiving and transmitting a speech signal. Henderson differs from the claimed invention in failing to mention the personal computer contains a sound card, which processes the received speech signals. However, Eghtesadi teaches a wireless headset that contains a speaker (Fig. 3 [16]) and a microphone (Fig. 3 [18]) coupled wirelessly to a personal computer, which comprises a sound card for processing received speech signals. (Col. 1 lines 54-59) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the sound card of Eghtesadi into the personal computer of Henderson. One of ordinary skill in the art would have been motivated to do this since a sound card is vital to the reproduction of all audio for a personal computer.

Regarding claim 3, Eghtesadi teaches a speech signal inputted through a microphone sent wirelessly to a personal computer and outputs the speech signal through the speaker. (Col. 3 lines 23-36)

Regarding claim 4, the limitations of claim 4 are rejected as the same reason set forth in claim 3.

8. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson and Tuoriniemi et al. (US-5,978,689 hereinafter, Tuoriniemi).

Regarding claim 5, Henderson teaches a personal computer (Fig. 2 [205]) that utilizes a wireless headset (Fig. 2 [215]), which transmits speech signals inputted through a microphone using the Bluetooth protocol. Henderson teaches the headset

Art Unit: 2643

can be wirelessly connected by the Bluetooth protocol to the personal computer or to the communication gateway. (Col. 5 lines 25-29) It is obvious that one skilled in the art would recognize Henderson teaches two separate operating modes, which would require setting a specified mode. Henderson differs from the claimed invention by not mentioning changing the input/output ports of the mobile communication terminal if the operating mode is headset mode. However, Tuoriniemi teaches a mobile communication terminal that contains a switch, which determines the operating mode of the headset and changes the input/output ports within the mobile communication terminal. (Col. 4 lines 47-58) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the switch of Tuoriniemi into the personal computer and wireless headset of Henderson. One of ordinary skill in the art would have been motivated to do this since incorporating the switch of Egtesadi adds to the versatility of a headset with a microphone by allowing the user to select between multiple telephonic services and audio devices. (Col. 2 lines 20-61)

Regarding claim 6, Tuoriniemi teaches of voice recognition system for dialing phone numbers. (Col. 3 lines 8-11 and Col. 12 lines 15-42)

Regarding claim 7, Henderson teaches a wireless headset that can operate with a normal wireless telephone call service when selected. (Col. 5 lines 25-39)

Art Unit: 2643


**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (703)305-0810. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS  
1/19/2005

  
**GEORGE ENG**  
**PRIMARY EXAMINER**